

Appl. No. 09/916,951
Response Dated December 29, 2005
Reply to Office action dated September 30, 2005

Remarks/Arguments

Applicants have received and carefully reviewed the Office Action of the Examiner mailed September 30, 2005. Claims 1-6, 8-26 and 28-35 remain pending. Claims 7 and 27 has been canceled without prejudice, and claims 31-35 have been added. Support for the amendments and new claims is found in the specification, claims, and drawings as originally filed. No new matter has been added. Reconsideration and reexamination are respectfully requested.

Objection to the Specification

The disclosure is objected to for containing blank spaces. The specification has been amended to fill in the filing dates and serial numbers of the co-pending applications.

Objection to the Claims

The numbering of the claims is objected to because the original numbering of the claims must be preserved throughout prosecution. Miss-numbered claim 29 has been renumbered as claim 30.

Rejection under 35 U.S.C. § 102(b)

Claims 1-18 and 20-26 are rejected as being anticipated by Melchione et al. (US 5,930,764). Applicants respectfully disagree. Independent claim 1, as amended, recites:

1. (Currently Amended) A method for monitoring the efficacy of a marketing project for a product of a business, wherein the business has a number of representatives, and each representative represents particular customers of the business, the method comprising the steps of:
providing a customer database for storing information about the customers of the business;
providing a number of marketing project parameters;
applying the number of marketing project parameters against the information in the customer database to identify selected customers;
providing a customized listing of customers to at least selected representatives, wherein each of the customized listings includes a listing of the selected customers that the particular representative represents;

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generating marketing material for the marketing project;
providing the marketing material to each of the representatives that
receives a customized listing;
at least some of the representatives sending the marketing material to
notifying at least some of the selected customers listed in their customized listing
about the product;
determining which or how many of the customers that were sent the
marketing material by their representative notified about the product actually
purchased the product; and
determining a marketing project efficacy indicator by noting which or how
many of the customers that were sent the marketing material by their
representative notified about the product actually purchased the product.

As can be seen, claim 1 recites a method for monitoring the efficacy of a marketing project including the steps of: (1) providing a customized listing of customers to at least selected representatives, wherein each of the customized listings includes a listing of the selected customers that the particular representative represents; (2) generating marketing material for the marketing project; (3) providing the marketing material to each of the representatives that receives a customized listing; (4) at least some of the representatives sending the marketing material to at least some of the selected customers listed in their customized listing; (5) determining which or how many of the customers that were sent the marketing material by their representative actually purchased the product; and (6) determining a marketing project efficacy indicator by noting which or how many of the customers that were sent the marketing material by their representative actually purchased the product (Emphasis Added). Melchione et al. do not appear to teach such a method.

For instance, Melchione et al. appear to generate a list of leads. However, these leads appear to be passed to the branch offices. In one case, the branch managers receive the list of leads generated by the micromarketing center and electronically load the leads into the CCIS workstations for distribution among selected personal bankers within the branch. The branch managers may assign the leads to the personal bankers most qualified to handle the leads, or based on the workload and availability of the personal bankers. See, for example, Melchione et al., column 9, lines 46-52. After the personal bankers are assigned the leads by the branch managers, the personal bankers appear to conduct sales sessions (e.g. telephone calls) with each

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of the customers on the list of leads. See, for example, Melchione et al., column 9, lines 55-57.

As can be seen, in Melchione et al., marketing materials do not appear to be provided to the personal bankers, and more particularly, to the personal bankers that receive a customized listing of customers. Nor do the personal bankers appear to send any marketing material to at least some of the selected customers listed in their customized listing, as recited in claim 1. Furthermore, Melchione et al. do not appear to disclose or suggest the step of determining a marketing project efficacy indicator by noting which or how many of the customers that were sent the marketing material by their representative actually purchased the product, as recited in claim 1. In view of the foregoing, claim 1 is believed to be clearly patentable over Melchione et al. For similar and other reasons, dependent claims 2-6 and 8-9 are also believed to be clearly patentable over Melchione et al.

Now turning to independent claim 10, which recites:

10. (Currently Amended) A method for marketing a product to customers of a business, wherein the business has a number of representatives, and each representative represents a ~~portion of the~~ particular customers, the method comprising the steps of:

providing a customer database for storing information about the customers of the business;

providing a number of marketing project parameters;

applying the number of marketing project parameters against the information in the customer database to identify selected customers;

providing ~~at least a partial~~ a customized listing to at least some of the representatives, each of the customized listings including [[of]] the portion of the selected customers that are represented by the particular representative to one or more of the representatives;

at least some of the representatives ~~electing to provide~~ providing marketing material ~~information~~ about the product to at least some of their customers listed on ~~their customized at least partial listing, wherein the marketing material is personalized to at least appear to be from the representative.~~

Claim 10 is believed to be clearly patentable over Melchione et al. for similar reasons to those discussed above with respect to claim 1. In addition, claim 10 recites that the marketing material is personalized to at least appear to be from the representative. Nothing in Melchione et al. appears to show this element. For similar and other reasons, dependent claims 11-24 are also believed to be clearly patentable over Melchione et al.

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Specifically with respect to dependent claim 19, nothing in Melchione et al. appear to teach or suggest the steps of: generating the marketing material; checking the marketing material for compliance with applicable rules and regulations, thereby resulting in compliant marketing material; providing the compliant marketing material, as well as the customized listing of selected customers, to each of the representatives that received a customized listing.

On page 8 of the Office Action, the Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Melchione et al. in view of 17 CFR Part 248 (financial services regulation related to Privacy of Consumer Information). Applicants respectfully traverse the rejection. For at least the reasons set forth above, Melchione et al. do not appear to teach or suggest each and every element of claim 19. 17 CFR Part 248 does not appear to provide what Melchione et al. lack.

Specifically with respect to dependent claims 20-24, nothing in Melchione et al. appear to teach or suggest providing a customized listing to each representative, and more particularly, a customized listing to each of representative in the recited formats. In fact, since the personal bankers of Melchione et al. do not appear to send out marketing material to customers, but rather simply make phone calls, there would appear to be little need to provide a customized listing in a format that is compatible with, for example, printing labels, printing envelopes or post cards, a merge function of an application program, a spreadsheet application program, or an e-mail program. For these additional reasons, dependent claims 20-24 are believed to be clearly patentable over Melchione et al.

Turning now to claim 25, which recites:

25. (Currently Amended) A method for marketing a product to customers of a business, wherein the business has a number of representatives, and each representative represents a portion of the customers, the method comprising the steps of:

providing a customer database for storing information about the customers of the business;

providing a marketing project having a number of marketing project parameters;

applying the number of marketing project parameters against the information in the customer database to identify selected customers;

providing a notice announcing the marketing project at least a partial listing of the selected customers to one or more of the representatives;

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~~at least some of the representatives reviewing the notice and requesting a customized listing that includes a listing of the portion of the selected customers that are represented by the representative providing information about the product to at least some of their customers listed on the at least partial listing; and determining a marketing project appeal indicator by monitoring how many representatives reviewed the notice and requested a customized listing identifying those customer that were provided with information about the product;~~
~~identifier those customer that actually purchased the product; and determining a marketing project efficacy indicator for the marketing project by examining which of the customers that were provided with information about the product actually purchased and/or did not purchase the product.~~

Melchione et al. do not appear to teach such a method. Melchione et al. indicate that the personal bankers can receive access to the list of leads on the CCIS workstation, after the list is generated by the micromarketing center and communicated to the CCIS. The personal bankers then appear to conduct sales sessions (e.g., telephone calls) with each of the customers on the list of leads. See, for example, column 9, lines 53-57. Melchione et al. do not appear to teach or suggest a method in which a marketing project appeal indicator is determined by monitoring how many representatives review a notice announcing a marketing project, and then request a customized listing of their customers. For these and other reasons, claim 25 is believed to be clearly patentable over Melchione et al. For similar and other reasons, dependent claims 26 and 28-30 are also believed to be clearly patentable over Melchione et al. For similar and other reasons, newly presented claims 31-35 are also believed to be clearly patentable over Melchione et al.

The Examiner has taken Official Notice with respect to claims 14 and 18, asserting that the concept and advantages of determining common characteristics for customers that purchased or did not purchase the product are well known and expected in the art. Applicants submit that the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. Per MPEP 2144.04(C), Applicants respectfully traverse the taking of Official Notice and request the Examiner provide documentary evidence in the next office action if the rejection is maintained.

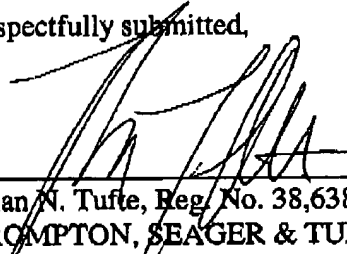
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light of the above remarks, all pending claims 1-6, 8-26 and 28-35 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully submitted,

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